

AUG 25 2011

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA | ) | Criminal Action No. 5:05CR00019    |
|                          | ) | Civil Action No. 5:08CV80100       |
| v.                       | ) |                                    |
|                          | ) | <b><u>ORDER</u></b>                |
| MARK JAMES KONSAVICH,    | ) |                                    |
|                          | ) | By: Hon. Glen E. Conrad            |
| Defendant.               | ) | Chief United States District Judge |

This case is presently before the court on the defendant's motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure and the defendant's motion for recusal of the undersigned judge. For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

as follows:

1. The defendant's motion for recusal is **DENIED**; and
2. The defendant's motion for relief from judgment is **DISMISSED** for lack of jurisdiction.

The Clerk is directed to send certified copies of this order to the defendant and all counsel of record.

ENTER: This 24<sup>b4</sup> day of August, 2011.



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Chief United States District Judge